

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

A.M.C., by her next friend, C.D.C., et al.,

Plaintiffs,

v.

STEPHEN SMITH, in his official capacity as
Deputy Commissioner of Finance and
Administration and Director of the Division of
TennCare,

Defendant.

Civil Action No. 3:20-cv-00240

Class Action

Judge Crenshaw
Magistrate Newbern

PLAINTIFFS' RENEWED MOTION FOR CLASS CERTIFICATION

In accordance with the Court's scheduling orders (Doc. Nos. 106 and 138), Plaintiffs move the Court pursuant to Rule 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure for certification of a Plaintiff Class defined as:

All individuals who meet the eligibility criteria for TennCare coverage and who, since March 19, 2019, have been or will be disenrolled from TennCare. The class excludes individuals, and the parents and legal guardians of individuals, whose termination is due to a requested withdrawal from the TennCare program.

Plaintiffs also move for certification of a subclass, represented by S.L.C., Michael S. Hill, William C. Monroe, Linda Rebeaud, and Johnny Walker, referred to as the Disability Subclass and consisting of all:

Plaintiff Class members who are "qualified individuals with a disability" as defined in 42 U.S.C. § 12131(2).

This Motion is based on the accompanying Memorandum in Support, accompanying declarations and exhibits, allegations in the verified Complaint, and other evidence that may be presented to

the Court prior to its ruling on this Motion. Pursuant to Local Rule 7.01(a)(1), Plaintiffs' counsel have conferred with the Defendant's counsel of record, who state that their client opposes this motion.

Date: November 12, 2021.

Respectfully submitted,

/s/ Catherine Millas Kaiman
On Behalf of Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document is being served via the Court's electronic filing system on this 12th day of November, 2021, on the following counsel of record:

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